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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) Case No. 21-MJ-70157 MAG
17 Plaintiff,)
18 v.) STIPULATION AND PROPOSED ORDER
19 IAN BENJAMIN ROGERS,) CONTINUING HEARING
20 Defendant.)

21 On January 26, 2021, the Court issued a criminal complaint charging Ian ROGERS with
22 possession of an unregistered destructive device, in violation of 26 U.S.C. § 5861(d). ROGERS was
23 then (and remains) in custody in Napa County facing weapons charges there. ROGERS appeared in this
24 Court by writ of habeas corpus ad prosequendum and was arraigned on the complaint on February 23,
25 2021. At that time, the parties agreed to return for a status conference on March 26, 2021. By written
stipulation, the parties continued that status conference to April 23, 2021, and then again to May 25,
2021. The parties now ask the Court to continue the status conference to June 25, 2021, at 10:30 a.m.

26 Since the initial appearance, the government has obtained and produced a substantial amount of
27 discovery to ROGERS. In addition, on April 3, 2021, the government executed a search warrant at
28 ROGERS's former business in Napa, and seized additional evidence. The government is still processing

1 that evidence and will produce it to ROGERS as soon as possible.

2 The parties hereby request that the Court continue the status hearing to June 25, 2021. The
3 continuance will allow the government the time needed to produce the additional discovery to ROGERS
4 and enable both parties to be in a better position to discuss both the pending charge and potential future
5 charges. In addition, it will allow the parties the ability to coordinate with counsel in the parallel state
6 proceeding. ROGERS remains in custody on state charges.

7 For these reasons, the parties agree that it is appropriate to exclude time under Rule 5.1 and 18
8 U.S.C. § 3161(b) in order to allow for the effective preparation of counsel.

9 IT IS SO STIPULATED.

10 DATED: May 21, 2021

Respectfully submitted,

11 STEPHANIE M. HINDS
12 Acting United States Attorney

13 _____/s/_____
14 FRANK J. RIEBLI
15 Assistant United States Attorney

16 _____/s/ Frank Riebli w/ permission_____
17 COLIN COOPER
18 Attorney for Ian Rogers

[PROPOSED] ORDER

For the reasons set forth above, the Court hereby continues the status hearing in the above-captioned matter from May 25, 2021 to June 25, 2021 at 10:30 a.m. Further, to allow for the continued production of discovery and the effective preparation of counsel, the Court finds that the ends of justice served by granting the continuance outweigh the interests of the public and the defendant, and thus the Court excludes that period of time from the running of the speedy trial clock under Rule 5.1 and 18 U.S.C. § 3161(b). The Court further orders the U.S. Marshal and the Director of Corrections of the Napa County Department of Corrections to produce Ian Rogers for the hearing on June 25, 2021, as provided in the writ issued on February 18, 2021 in this matter.

IT IS SO ORDERED.

DATED: May , 2021

HON. THOMAS S. HIXSON
United States Magistrate Judge